

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R7-1-706 Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 15-1425(6)
Implementing statute: A.R.S. § 15-1425(6)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Thomas J. Saad
Address: State Board of Directors for Community Colleges of Arizona
3225 North Central Avenue, Suite 1220
Phoenix, Arizona 85012
Telephone: (602) 255-4037
Fax: (602) 255-3464
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Establishes criteria whereby faculty from institutions other than the Arizona's Community College System may teach community college courses.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**
The proposed rule will not adversely impact small business or consumers.
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Thomas J. Saad
Address: State Board of Directors for Community Colleges of Arizona
3225 North Central Avenue, Suite 1220
Phoenix, Arizona 85012
Telephone: (602) 255-4037
Fax: (602) 255-3464

Arizona Administrative Register
Notices of Proposed Rulemaking

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Date: September 11, 1998
Time: 1 p.m.
Location: 2100 South Priest Drive
Tempe, Arizona
Nature: Oral Proceedings before the Arizona State Board for Private Postsecondary Education
9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.
10. Incorporations by reference and their location in the rules:
None.
11. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

Section
R7-1-706. Certification Standards

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

R7-1-706. Certification Standards

A. Five types of community college teaching certificates may be issued

1. The 3 categories of regular certificates and the minimum requirements for each are as follows:

a. Regular certificate ((A)(1)(a)):

i. A Master's degree or higher degree, earned pursuant to subsection (C) of this Section with a minimum of 24 semester hours of upper division and/or graduate credit in the discipline to be taught;

ii. The Arizona Community College Course requirement in subsection (D) of this Section.

b. Regular certificate ((A)(1)(b)) (Occupational teaching fields only):

i. A Bachelor's degree, earned pursuant to subsection (C) of this Section with a minimum of 3 years of directly related occupational experience in the field to be taught;

ii. The Arizona Community College Course requirement in subsection (D) of this Section.

c. Regular certificate ((A)(1)(c)) (Occupational teaching fields only):

i. An Associate's degree, earned pursuant to subsection (C) of this Section or a minimum of 64 semester hours and, in addition, a minimum of 5 years of directly related occupational experience in the field to be taught;

ii. The Arizona Community College Course requirement in subsection (D) of this Section.

2. A Special certificate ((A)(2)) may be issued to an individual employed to teach fewer than 12 credits per semester with the following qualifications:

a. Has a Bachelor's degree or higher degree, earned pursuant to subsection (C) of this Section or a minimum of 5 years of directly related experience in the occupational field to be taught; or

b. Has a regular Arizona license or a certificate in the field to be taught; and

c. Has completed or is enrolled in the Arizona Community College Course required by subsection (D) of this Section.

d. An individual who holds a Special certificate may be granted permission to teach 12 or more credits per semester, if such permission is requested by the Chief Executive Officer or Chief Academic Officer of the college or college district and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.

3. An Internship certificate ((A)(3)) may be issued to an applicant with the following qualifications:

a. Has, or is a candidate for, a Master's degree in an academic field, or holds, or is a candidate for, a Bachelor's degree in an occupational field, from an institution accredited by 1 of the Regional Accrediting Associations;

b. Applicant has been recommended for, and admitted to, an intern program conducted by an institution accredited by 1 of the Regional Accrediting Associations;

c. Has completed or is enrolled in the Arizona Community College Course required by subsection (D) of this Section.

4. A Provisional certificate ((A)(4)) may be issued if the individual meets the requirements of the Regular certificates ((A)(1)(a), ((A)(1)(b), or ((A)(1)(c) but does not meet the Arizona Community College Course requirement in subsection (D) of this Section.

5. Pursuant to A.R.S. § 15-1425(3), a District Specific certificate ((A)(5)) may be issued as follows:

a. A community college district may request in writing certification for a person who cannot meet certification requirements in the desired teaching discipline but who has acquired the knowledge and skills to instruct in a specific field through experience or alternative educational experiences and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.

July 24, 1998

Arizona Administrative Register
Notices of Proposed Rulemaking

- b. An individual who holds a District Specific certificate shall:
 - i. Teach fewer than 12 credits per semester only in the district originating the request for certification,
 - ii. Teach 12 or more credits per semester if requested by the Chief Executive Officer or Chief Academic Officer of the college or college district,
 - iii. Meet the Community College Course requirement in subsection (D) of this Section.
- B. Community college teaching certificates may be renewed as follows:
 - 1. Regular certificates ((A)(1)(a), (A)(1)(b), and (A)(1)(c)) are permanent unless revoked.
 - 2. Special certificates ((A)(2)) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
 - 3. Internship certificates ((A)(3)) are valid for a period of 1 semester or 6 months and may not be renewed.
 - 4. Provisional certificates ((A)(4)) are valid for 2 years and are nonrenewable.
 - 5. District Specific certificates (A)(5) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
- C. Degrees or credits shall be earned and received from an institution accredited by 1 of the Regional Accrediting Associations. However, degrees and credits earned from a foreign institution shall be evaluated for equivalency to credits earned in an accredited institution on the basis of an analysis provided by a Foreign Transcript Evaluation Agency.
- D. Community College Course requirement
 - 1. The Community College Course required for the Regular certificate is a community college course, offered by an Arizona university or community college district. This course shall address the following competencies and shall be of such length and rigor as to warrant the awarding of 3 semester credit hours:
 - a. History of the Community College;
 - b. Philosophy/Mission/Purpose of the Community College;
 - c. Governance and Organizational Structure of the Arizona Community Colleges;
 - d. Current Community College Issued;
 - e. Student Characteristics and Student Services;
 - f. Financing Arizona Community Colleges;
 - g. Teaching, Learning, and Assessment;
 - h. Curriculum;
 - i. Community College Faculty Roles.
 - 2. A person who has successfully completed a community college course at an out-of-state college or university or who has taught 1 year full-time at a regionally accredited community college outside of Arizona shall be exempt from taking the Arizona course provided the Chief Executive Officer of the college district and the Certification Office of the State Board recommend exemption and the State Board determines that the course and/or experience have provided the person with an orientation to community college teaching substantially equivalent to that provided by the required course.
- 3. The Community College Course requirement for the Special certificate ((A)(2)) and the District Specific certificate ((A)(5)) may be satisfied by completion of an orientation about the Arizona Community College system conducted by a community college district provided the orientation addresses the competencies detailed in subsection (D)(1) of this Section. The method employed shall be determined by the Chief Executive Officer of each community college district.
- 4. The State Board shall systematically collect evaluative input from course completers and report the results to the course providers so that course providers and the State Board may continuously improve the quality and effectiveness of the course.
- E. A community college district may establish qualifications in addition to those required by the State Board as long as they do not discriminate on the basis of sex, race, religion, creed, or national origin, and as long as they apply equally to all faculty members in a particular discipline, vocation, or program.
- F. Certification fees (including evaluation and renewal) shall be established by the State Board and the fee schedule made available to any interested person.
- G. Each community college district shall annually, prior to September 1, provide the State Board a report detailing its use of District Specific certificates during the previous academic year.
 - 1. The report shall include the following elements:
 - a. A listing of individuals teaching with District Specific certificates,
 - b. The discipline or disciplines in which the District Specific certificate for the individual has been issued,
 - c. The course or courses taught by the individual.
 - 2. The State Board shall review the results of these reports to determine if the use of District Specific certificates might affect confidence in transfer or accreditation standards.
- H. An individual may teach a class or classes offered by a community college under the jurisdiction of the State Board without further certification by the State Board where the community college documents that each of the following conditions is simultaneously satisfied:
 - 1. The individual is a member in good standing of the faculty of a college or university beyond the authority of the State Board.
 - 2. The college or university is accredited by a Regional Accrediting Association.
 - 3. The individual is acting within the scope of the individual's employment with the college or university.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

ARIZONA LONG-TERM CARE SYSTEM (ALTCS)

PREAMBLE

1. **Sections Affected**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R9-28-104	Amend
R9-28-107	Amend
R9-28-402	Repeal
R9-28-712	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 36-2932(K) and 36-2932(M)

Implementing statute: A.R.S. § 36-2932(G)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Cheri Tomlinson
Address:	AHCCCS 801 East Jefferson, MD 4200 Phoenix, Arizona 85034
Telephone:	(602) 417-4198
Fax:	(602) 256-6756
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

R9-28-402 identifies the factors for determining an applicant's or a member's county of residence for the purposes of determining who is financially responsible for the care of the member. This Section has been modified to:

 - Implement changes based on a 5-Year-Review Report of the rule,
 - Provide clarification to rule language,
 - Separate payment issues from enrollment and eligibility issues, and
 - Add alternative home and community based service (HCBS) settings in the rule language.

R9-28-712, *County of Fiscal Responsibility*, has been established as a new Section in 9 A.A.C. 28, Article 7, Standards for Payment. R9-28-402, *County Residency Requirements for ALTCS Enrollment*, has been stricken from 9 A.A.C. 28, Article 4. The Section was removed from 9 A.A.C. 28, Article 4 because the Article discusses eligibility and enrollment issues, and 9 A.A.C. 28, Article 7 discusses standards for payment. In addition, the definition of county of fiscal responsibility was moved from R9-28-104 to R9-28-107 because the term is used in 9 A.A.C. 28, Article 7.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**

It is anticipated that there may be a moderate impact to program contractors who may have to develop or expand their networks outside of their geographic service area. It is anticipated that the impact to Maricopa and Pima counties will be that other program contractors will continue to be financially liable for members who move from an alternative HCBS setting to another alternative HCBS setting in a different county. There may be a minimal impact on AHCCCS providers who may have an opportunity to expand their business due to a greater need for their services in different geographic service areas. There will be a minimal impact on AHCCCS members who may see an improvement in service because the roles and responsibilities of the program contractor are clearly defined. A nominal impact is anticipated for the counties and the AHCCCS Administration as a result of the changes. Other entities considered, but which will not be directly impacted by the change, include other governmental entities, political subdivisions and the general public, including taxpayers.

Arizona Administrative Register
Notices of Proposed Rulemaking

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Cheri Tomlinson
Address: AHCCCS
801 East Jefferson, MD 4200
Phoenix, Arizona 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756
8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Date: September 2, 1998
Time: 9 a.m.
Location: AHCCCS Administration
701 East Jefferson, 2nd Floor, Hearing Room A
Phoenix, Arizona 85034
Nature: Public Hearing
A person may submit written comments on the proposed rules. The written comments should be submitted no later than 5 p.m., September 8, 1998, to the person listed in question #7.
9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
10. Incorporations by reference and their location in the rules:
None.
11. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ARIZONA LONG-TERM CARE SYSTEM (ALTCS)

ARTICLE 1. DEFINITIONS

Section

- R9-28-104. Eligibility and Enrollment Related Definitions
R9-28-107. Standards for Payments Related Definitions

**ARTICLE 4. COUNTY RESIDENCY REQUIREMENTS
FOR ALTCS ENROLLMENT**

- R9-28-402. ~~County Residency Requirements for ALTCS Enrollment~~

ARTICLE 7. COUNTY OF FISCAL RESPONSIBILITY

- R9-28-712. County of Fiscal Responsibility

ARTICLE 1. DEFINITIONS

R9-28-104. Eligibility and Enrollment Related Definitions
Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

1. "Categorically Eligible" has the meaning in A.R.S. § 36-2934.
2. "County of fiscal responsibility" means the county that is financially responsible for the state's share of ALTCS funding.

- 3-2. "Designated representative" means an individual other than a spouse or a parent of a dependent child, who applies for ALTCS on behalf of another individual.
- 4-3. "Institutionalized individual" as defined for the purpose of ALTCS eligibility, means an individual who is in a medical institution or NF and receives an appropriate level of care at the NF or at an ICF/MR or who receives or will receive HCBS.
- 5-4. "Medically eligible" means meeting the ALTCS medical eligibility criteria according to Article 3.
- 6-5. "Spouse" has the meaning in 9 A.A.C. 22, Article 1.

R9-28-107. Standards for Payments Related Definitions
Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22 Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

1. "Aggregate" is defined in 9 A.A.C. 22, Article 1.
2. "Billed charges" is defined in 9 A.A.C. 22, Article 1.
3. "Capped fee-for-service" is defined in 9 A.A.C. 22, Article 1.
4. "Clean claim" is defined in 9 A.A.C. 22, Article 1.
5. "CPT" is defined in 9 A.A.C. 22, Article 1.
6. "County of fiscal responsibility" means the county that is financially responsible for the state's share of ALTCS funding.
- 6-7. "Encounter" is defined in 9 A.A.C. 22, Article 1.

Arizona Administrative Register
Notices of Proposed Rulemaking

7.8. "Reinsurance" is defined in 9 A.A.C. 22, Article 1.

**ARTICLE 4. COUNTY RESIDENCY REQUIREMENTS
FOR ALTCS ENROLLMENT**

R9-28-402. ~~County Residency Requirements for ALTCS Enrollment Repealed~~

- A.** ~~ALTCS-eligible persons shall be enrolled with a program contractor in the county of fiscal responsibility unless:~~
- ~~1. The Administration elects to keep a special population fee-for-service; or~~
 - ~~2. Two program contractors or, in a fee-for-service county, a program contractor and the Administration, agree to transfer a member from the county of fiscal responsibility to another county. The transfer only shall take place when the member wishes to move to another county or the member currently resides outside of the program contractor's service delivery area.~~
- B.** ~~In the event there is no authorized program contractor within the ALTCS-eligible person's county of fiscal responsibility, that person shall receive ALTCS-covered services in accordance with the provisions of A.R.S. § 36-2945.~~
- C.** ~~The county of fiscal responsibility shall be the first one of the following which is applicable to the person's circumstances on the date the ALTCS application is approved:~~
- ~~1. The county in which an applicant resides, if he is not residing in a nursing facility or a hospital; or~~
 - ~~2. The county in which the nursing facility or hospital, in which the applicant resides, is located if all of the following apply:~~
 - ~~a. Payment for care is provided by the applicant;~~
 - ~~b. All legal ties have been severed to any county in which the applicant resided prior to his residence in the nursing facility or hospital; and~~
 - ~~c. The applicant did not leave the county in which he resided prior to his residence in the nursing facility or hospital, because similar facilities or services were unavailable in that county; or~~
 - ~~3. The county in which an applicant resided for 30 days immediately prior to entering a nursing facility or hospital; or~~
 - ~~4. The county in which a nursing facility or hospital in which an applicant resides is located, if the applicant has resided in the state of Arizona for less than 30 days.~~
- D.** ~~Subsequent to the approval of ALTCS benefits, the county of fiscal responsibility may be changed if all of the following apply:~~
- ~~1. The eligible person moves to another county;~~
 - ~~2. The eligible person resides in the new county more than 50 percent of the time; and~~
 - ~~3. The eligible person is to receive home and community-based services from the program contractor in the new county or, if the eligible person is a nondevelopmentally disabled, institutionalized person, a transfer can be made based on the agreement of both program contractors or by the direction of the Administration.~~

ARTICLE 7. COUNTY OF FISCAL RESPONSIBILITY

R9-28-712. County of Fiscal Responsibility

- A.** General requirements. The Administration shall determine the county of fiscal responsibility to determine which program contractor is responsible for an applicant or a member.
- B.** Criteria for determining county of fiscal responsibility for an applicant.

1. The county of fiscal responsibility is the county where the applicant resides if:
 - a. The applicant resides in the applicant's own home as specified in R9-28-101(B)(16).
 - b. The applicant moved from another state within the last 30 days, or
 - c. The applicant has continuously resided in the current county 30 days immediately prior to entering:
 - i. An alternative HCBS setting as specified in R9-28-101(B)(3).
 - ii. A NF as specified in R9-22-101(B)(27).
 - iii. An intermediate care facility for the mentally retarded as specified in R9-28-101(B)(18).
 2. The county of fiscal responsibility is the county where the applicant resides 30 days immediately prior to moving to another county and residing in:
 - a. An alternative HCBS setting.
 - b. A NF, or
 - c. An intermediate care facility for the mentally retarded.
- C.** Criteria for determining when there is no change in the county of fiscal responsibility for a member. The county of fiscal responsibility for a member shall remain the same if:
1. The member moves from a NF to another NF in a different county.
 2. The member moves from a NF to an alternative HCBS setting in a different county.
 3. The member moves from an alternative HCBS setting to another alternative HCBS setting in a different county.
 4. The member moves from an alternative HCBS setting to a NF in a different county.
 5. The member moves from the member's own home to an alternative HCBS setting in a different county, or
 6. The member moves from the member's own home to a NF in a different county.
- D.** Criteria for determining when there is a change in the county of fiscal responsibility for a member. If the member moves from one county to another, the county of fiscal responsibility shall change to the new county when the member moves from:
1. An alternative HCBS setting to the member's own home in a different county.
 2. A NF to the member's own home in a different county.
 3. An intermediate care facility for the mentally retarded to the member's own home in a different county, or
 4. The member's own home to the member's own home in a different county.
- E.** Exceptions.
1. The Administration may transfer a member from one program contractor to a different program contractor if:
 - a. Both program contractors agree, or
 - b. The Administration determines it is in the best interest of the member.
 2. If there is no authorized program contractor within the member's service area, the member shall receive services according to A.R.S. § 36-2945.
 3. If the member moves from the Arizona State Hospital (ASH) to an approved ALTCS setting, the Administration shall assign the member to a program contractor in the county that the member resided in prior to admission in ASH unless a member resides in a member's own home.